

4

Notice of Allowability	Application No.	Applicant(s)	
	09/722,898	LEVY ET AL.	
	Examiner	Art Unit	
	Michael J. Moore, Jr.	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/6/2004.
2. ☒ The allowed claim(s) is/are 5-20, renumbered 1-16, respectively.
3. ☒ The drawings filed on 14 February 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Allowable Subject Matter

1. Claims **5-20** (renumbered 1-16) are allowed.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Raisanen et al. (U.S. 6,633,540) teaches a traffic shaper used to shape real-time traffic (priority forwarding) in an IP-based network while simultaneously providing keep-alive bandwidth for best-effort traffic. Raisanen et al. fails to teach the dynamic adjustment of allocated bandwidth for parent classes of real-time traffic by measuring a predetermined parameter at predetermined window times and adjusting an average of this parameter to remain within a predetermined stable region.

Wong (U.S. 6,570,883) teaches a packet scheduling system that supports QoS features including real-time priority, bandwidth reservation, and excess bandwidth sharing. This system uses a set of defined service parameters (real-time priority, reserved bandwidth, excess bandwidth priority) for each flow to indicate different aspects of the QoS and the consumption of resources. Wong et al. fails to teach the dynamic adjustment of allocated bandwidth for parent classes of real-time traffic by measuring a predetermined parameter at predetermined window times and adjusting an average of this parameter to remain within a predetermined stable region.

Fodor et al. (U.S. 6,788,646) teaches a method for sharing link bandwidth in a mixed rigid-elastic traffic environment as well as a method for sharing bandwidth among elastic traffic flows. This is done by dividing the link bandwidth into a first common part

Art Unit: 2666


for elastic as well as rigid traffic and a second part that is dedicated to elastic traffic. Fodor et al. fails to teach the dynamic adjustment of allocated bandwidth for parent classes of real-time traffic by measuring a predetermined parameter at predetermined window times and adjusting an average of this parameter to remain within a predetermined stable region.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mjm MM


FRANK DUONG
PRIMARY EXAMINER

Michael J. Moore, Jr.
Examiner
Art Unit 2666